

Remarks

Applicants respectfully request reconsideration of the above-referenced patent application.

I. Claim amendments

This Amendment D cancels claims 58-61 (incorporated into claim 57) and 85-88 (in accordance with the March 31, 2006 restriction requirement) and adds new claims 93-97 (which are supported by, for example, originally-filed claim 74). Thus, claims 25-28, 30-35, 52-57, 62-75, and 90-97 are pending (with claims 72-74 currently withdrawn from consideration). All pending claims (including the amendments) are shown above.

This Amendment D amends claims 54, 57, 62, 71-75, and 90. More specifically:

- A. Claim 54 has been amended to correct a typographical error.
- B. Claim 57 has been amended to incorporate the subject matter of claims 58-61.
- C. Claim 62 has been amended to depend from claim 90 (*i.e.*, to not be a multiple-dependent claim).
- D. Claim 71 has been amended to correct a typographical error.
- E. Claim 72 has been amended to depend from claim 62 (*i.e.*, to not be a multiple-dependent claim).
- F. Claims 73 and 74 have been amended to depend from claim 57 (*i.e.*, to not be multiple-dependent claims).
- G. Claim 75 has been amended to correct a typographical error.
- H. Claim 90 has been amended to incorporate the R^4 definition from claim 1 (*i.e.*, the claim from which claim 90 depended).

Applicants submit that the amendments to claims 54, 57, 62, 72-75, and 90 are supported by the originally-filed application and do not introduce new matter.

Applicants have canceled claims 58-61 and 85-88, and have amended claims 54, 57, 62, 72-75, and 90 solely to facilitate prosecution, and make no representation as to the merit of the rejections raised by the June 3, 2008 Final Office action.

Applicants reserve the right to pursue any canceled or unclaimed subject matter disclosed in this application in one or more later-filed continuation or continuation-in-part applications.

II. Response to 35 U.S.C. §112 (second paragraph) rejection

The Final Office action rejects claims 90-92 under 35 U.S.C. §112 (second paragraph) as being indefinite. As discussed above, Applicants have amended claim 90 to recite a definition for R⁴. Thus, Applicants request withdrawal of the rejection.

III. Response to the provisional obviousness-type double patenting rejection

The Final Office action provisionally rejects claims 25-28, 30-35, 52-71, and 90-92 as unpatentable over (a) claims 1-21 of co-pending U.S. Patent Application No. 11/777,692 and (b) claims 1-3, 6, 7, 15-33, 38-41, 58, 59, and 62 of co-pending U.S. Patent Application No. 12/098,024 under the judicially created obviousness-type double patenting doctrine. Claims 58-61 have been canceled, thus mooted the rejection as those claims.

U.S. Patent Application Nos. 11/777,692 and 12/098,024 are later-filed applications, which are still undergoing examination. Thus, in accordance with MPEP §1490, Applicants request that the provisional obviousness-type double patenting rejection of claims 25-28, 30-35, 52-57, 62-71, and 90-92 in this application be withdrawn because Applicants will file a terminal disclaimer in the '692 and '024 applications (to the extent necessary) once the claim language in those applications is finalized.

IV. Rejoinder of method-of-use claims

Applicants request that method-of-use claims 72-74 and 93-97 be rejoined in the application in accordance with MPEP §821.04.

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There are 15 independent claims (*i.e.*, claims 25, 30, 33, 52, 57, 62, 72-74, 90, and 93-97) and a total of 38 claims (*i.e.*, claims 25-35, 52-57, 62-75, and 90-97) in this application (counting the withdrawn claims). Applicants have previously paid surcharge claim fees for 6 independent claims in excess of 3 and for 128 claims in excess of 20. Thus, Applicants authorize the Commissioner to charge to Deposit Account No. 01-0025 \$2,430.00 (\$1,320.00 for 6 additional independent claims and \$1,110.00 for the 3-month extension).

Applicants believe that they do not owe any other fee(s) for this filing. If, however, Applicants do owe such fee(s), the Commissioner is hereby authorized to charge those fee(s) to Deposit Account No. 01-0025. In addition, if there is ever any fee deficiency or overpayment under 37 C.F.R. §1.16 or §1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 01-0025.

Applicants submit that the application is in condition for allowance, and request that it be allowed. Applicants request that the Examiner call the undersigned if any questions arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,
Pratt et al.

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